

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

BERNARD C. JERRY-EL,)	
)	
)	CIVIL ACTION NO. 3:21-cv-71
Plaintiff,)	
)	JUDGE KIM R. GIBSON
v.)	
)	
JOHN E. WETZEL, et al.,)	
)	
)	
Defendants.)	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Civil Rule 72.

The Magistrate Judge filed a Report and Recommendation on September 28, 2021 (ECF No. 12) recommending that Plaintiff Bernard C. Jerry-El's ("Plaintiff") Motion for Expedited Preliminary Injunction, as amended (ECF Nos. 7, 11), be denied. Further, Judge Pesto recommended that the portion of Plaintiff's Amended Motion for Expedited Preliminary Injunction (ECF No. 11) asserting a claim for injunctive relief should be served on the warden at Laurel Highlands and dismissed as to the other defendants.

Plaintiff was notified that pursuant to 28 U.S.C. § 636(b)(1), he had fourteen days to file written objections. Plaintiff filed timely objections on October 6, 2021 (ECF No. 15).

After *de novo* review of the record, the Report and Recommendation, and the timely objections thereto, the Court finds that Plaintiff's objections are without merit.

The following order is entered:

AND NOW, this 1st day of December, 2021, it is **ORDERED** that the Report and Recommendation is adopted in part as the opinion of the Court insofar as it recommends that Plaintiff's Motion for Expedited Preliminary Injunction, as amended, be denied, and that the portion of Plaintiff's Amended Motion for Expedited Preliminary Injunction asserting a claim for injunctive relief be served on the Warden at Laurel Highlands and dismissed as to the other Defendants. However, the third sentence of the continuing paragraph beginning on the top of page 4 of the Report and Recommendation ("There is no risk-free level of exposure to radiation. . .") is not adopted by the Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

Bernard C. Jerry-El
AP-3307
S.C.I. Laurel Highlands
5760 Glades Pike
Somerset, PA 15501